



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

October 31, 2014

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## Summary of Cases Accepted and Related Actions for Week of October 27, 2014

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#14-123 *In re Isaiah W.*, S221263.** (B250231; 228 Cal.App.4th 981; Los Angeles County Superior Court; CK91018.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. This case presents the following issue: Does a parent's failure to appeal from a juvenile court order finding that notice under the Indian Child Welfare Act was unnecessary preclude the parent from subsequently challenging that finding more than a year later in the course of appealing an order terminating parental rights?

**#14-124 *People v. Superior Court (Johnson)*, S221296.** (A140767, A140768; 228 Cal.App.4th 1046; San Francisco County Superior Court; 12029482.) Petition for review after the Court of Appeal granted in part and denied in part petitions for peremptory writ of mandate. This case presents the following issues: (1) Does the prosecution have a duty to review peace officer personnel files to locate material that must be disclosed to the defense under *Brady v. Maryland* (1963) 373 U.S. 83? (2) Does the prosecution have a right to access those files absent a motion under *Pitchess v. Superior Court* (1974) 11 Cal.3d 531? (3) Must the prosecution file a *Pitchess* motion in order to disclose such *Brady* material to the defense?

**#14-125 *Dane v City of Santa Rosa*, S221341.** (A138355; nonpublished opinion; Sonoma County Superior Court; SCV253003.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Wheatherford v. City of San Rafael*, S219567 (#14-105), which presents the following issue: Must a plaintiff have paid or be liable to pay a property tax

to a government entity in order to bring a taxpayer waste action against that entity under Code of Civil Procedure section 526a, or can the payment of other taxes confer standing?

**#14-126 *People v. Hubbard, S221541*.** (C073340; 228 Cal.App.4th 1442; Sacramento County Superior Court; 96F00664.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *Braziel v. Superior Court*, S218503 (#14-86), and *People v. Machado*, S219819 (#14-88), which present the following issue: Is an inmate serving an indeterminate term of life imprisonment under the Three Strikes Law (Pen. Code, §§ 667, subds. (b)-(j), 1170.12), which was imposed for a conviction of an offense that is *not* a serious or violent felony, eligible for resentencing on that conviction under the Three Strikes Reform Act if the inmate is also serving an indeterminate term of life imprisonment under the Three Strikes Law for a conviction of an offense that *is* a serious or violent felony?

## STATUS

**#14-56 *People v. Franklin, S217699*.** In this case, in which briefing was previously deferred pending decision in *In re Alatraste*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), the court ordered briefing on the following issues: (1) Did defendant's sentence of 50 years to life for a homicide committed when he was a juvenile violate the Eighth Amendment? (2) Was the first issue rendered moot by the enactment of Penal Code section 3051?

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*